

HOUSE BILL No. 1970

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-1-5; IC 35-50-2.

Synopsis: Sex offenders. Imposes a Class A misdemeanor on a sex offender who visits or lives within 1,000 feet of a school or a city, town, or county park. Allows the state to seek to have a person sentenced to life imprisonment without parole if the person has two unrelated felony convictions for: (1) kidnapping, if the victim is less than 18 years of age; (2) criminal confinement, if the victim is less than 18 years of age; (3) rape, if the victim is less than 18 years of age; (4) criminal deviate conduct, if the victim is less than eighteen 18 years of age; (5) child molesting; (6) child exploitation; (7) vicarious sexual gratification; (8) child solicitation; (9) child seduction; (10) sexual battery, if the victim is less than 18 years of age; (11) sexual
(Continued next page)

Effective: July 1, 1999.

Bardon, Atterholt

January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.



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Digest Continued

misconduct with a minor as a Class A or Class B felony; or (12) incest, if the victim is less than 18 years of age.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1970

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-45-1-5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 1999]: **Sec. 5. A person who:**
- 4 (1) **is required to register with a local law enforcement**
- 5 **authority under IC 5-2-12-5; and**
- 6 (2) **knowingly or intentionally:**
- 7 (A) **visits;**
- 8 (B) **obtains lodging within one thousand (1,000) feet of; or**
- 9 (C) **resides within one thousand (1,000) feet of;**
- 10 **school property or property used as a municipal or county**
- 11 **park commits a Class A misdemeanor.**
- 12 SECTION 2. IC 35-50-2-8.5 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8.5. (a) Except as**
- 14 **provided in section 8.8 of this chapter,** the state may seek to have a
- 15 person sentenced to life imprisonment without parole for any felony

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described in section 2(b)(4) of this chapter by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated two (2) prior unrelated felony convictions described in section 2(b)(4) of this chapter.

(b) If the person was convicted of the felony in a jury trial, the jury shall reconvene to hear evidence on the life imprisonment without parole allegation. If the person was convicted of the felony by trial to the court without a jury or if the judgment was entered to guilty plea, the court alone shall hear evidence on the life imprisonment without parole allegation.

(c) A person is subject to life imprisonment without parole if the jury (in a case tried by a jury) or the court (in a case tried by the court or on a judgment entered on a guilty plea) finds that the state has proved beyond a reasonable doubt that the person has accumulated two (2) prior unrelated convictions for offenses described in section 2(b)(4) of this chapter.

(d) The court may sentence a person found to be subject to life imprisonment without parole under this section to life imprisonment without parole.

SECTION 3. IC 35-50-2-8.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8.8. (a) The state may seek to have a person sentenced to life imprisonment without parole for:**

- (1) kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age;
- (2) criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age;
- (3) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;
- (4) criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age;
- (5) child molesting (IC 35-42-4-3);
- (6) child exploitation (IC 35-42-4-4(b));
- (7) vicarious sexual gratification (IC 35-42-4-5);
- (8) child solicitation (IC 35-42-4-6);
- (9) child seduction (IC 35-42-4-7);
- (10) sexual battery (IC 35-42-4-8), if the victim is less than eighteen (18) years of age;
- (11) sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9); or
- (12) incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age;



1 by alleging, on a page separate from the rest of the charging
2 instrument, that the person has one (1) prior unrelated felony
3 conviction for an offense described in subdivisions (1) through (12).

4 (b) If the person was convicted of the felony in a jury trial, the
5 jury shall reconvene to hear evidence on the life imprisonment
6 without parole allegation. If the person was convicted of the felony
7 by trial to the court without a jury or if the judgment was entered
8 to guilty plea, the court alone shall hear evidence on the life
9 imprisonment without parole allegation.

10 (c) A person is subject to life imprisonment without parole if the
11 jury (in a case tried by a jury) or the court (in a case tried by the
12 court or on a judgment entered on a guilty plea) finds that the state
13 has proved beyond a reasonable doubt that the person has one (1)
14 prior unrelated conviction for an offense described in subsection
15 (a).

16 (d) The court may sentence a person found to be subject to life
17 imprisonment without parole under this section to life
18 imprisonment without parole.

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